

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JAMES JOHNSON, individually
and on behalf of all wrongful death
beneficiaries of DOROTHY JOHNSON,
deceased,

Plaintiffs,

v.

No. 07-2029

TONI SANDERS and
THE CITY OF MEMPHIS,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING THE PLAINTIFFS' CLAIMS WITH PREJUDICE

Plaintiff James Johnson brought this action individually and on behalf of all wrongful death beneficiaries of Dorothy Johnson, deceased, in the Circuit Court of Shelby County on November 27, 2006. The Defendants removed the case to federal court on January 16, 2007. On December 31, 2007, after Johnson failed to appear at a Show Cause Hearing on December 20, 2007, Magistrate Judge Tu M. Pham issued a report recommending that this case be dismissed for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The parties had until January 22, 2008, to object to Judge Pham's report and recommendations. According to the Court's docket, no objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

The Court has reviewed the magistrate judge's report and recommendation, and the entire record of the proceeding before the magistrate judge. No objections having been filed, the Court

ADOPTS the magistrate judge's report and recommendation. Therefore, the Plaintiffs' suit is hereby DISMISSED for failure to prosecute. The Defendants' joint motion to dismiss for failure to prosecute is thus DENIED as moot. (Doc. No. 23.) The Clerk is directed to enter judgment in accordance with this Order.

IT IS SO ORDERED this 23rd day of January, 2008.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE